

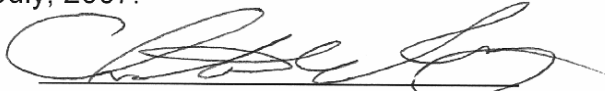
MOTION: (includes both factual and legal findings and an Order by the Board of Livestock)

The Board of Livestock finds:

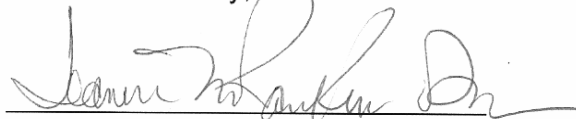
1. Based on the professional opinion of the State Veterinarian and testing conducted by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), on May 17, 2007, the herd of cattle owned by Jim and Sandy Morgan and Karen Hergenrider were found to be infected with and/or exposed to brucellosis, an infectious, contagious, communicable, and dangerous disease.
2. This herd of cattle has been under quarantine by the Montana Department of Livestock since June 6, 2007, pursuant to Department of Livestock Orders 17017 and 17016.
3. Under federal law, administered by the USDA, APHIS, Montana has a Class Free status.
4. Under federal law, adopted by USDA, APHIS, specifically 9 C.F.R. § 78.1, "Retaining Class Free status," (1-1-07 edition) (page 282): "If a single herd in a Class Free State is found to be affected with brucellosis, the State may retain its Class Free status if it meets the conditions of this paragraph. A State may retain its status in this manner only once during any 2-year period. The following conditions must be satisfied within 60 days of the date an animal in herd is determined to be infected: (A) The affected herd must be immediately quarantined, tested for brucellosis, and depopulated; and (B) An epidemiological investigation must be performed and the investigation must confirm that brucellosis has not spread from the affected herd."
5. The epidemiological investigation required under federal rules has been performed and the investigation has confirmed that brucellosis has not spread from the affected herd.
6. At this time, the owners of the affected herd, Jim and Sandy Morgan and Karen Hergenrider, and the USDA/APHIS have not reached agreement on the appraisal amounts and depopulation of the affected herd. If no agreement is reached on or before July 17, 2007, Montana stands to lose its Class Free status under federal laws and regulations.
7. The Board of Livestock has the power under Montana law, including but not limited to Montana Code Annotated §§ 81-2-101 and 81-2-102, to "perform any . . . acts and things as may be necessary or proper in the fostering, promotion, or protection of the livestock industry in this state. . . ."
8. Depopulation and slaughter of the affected herd is in the best interests of the livestock industry in Montana.

Therefore, pursuant to its authority under Montana law, and in order to foster, promote, and protect the livestock industry in Montana and to avoid action by the USDA/APHIS to remove Montana's Class Free status, unless livestock owners Jim and Sandy Morgan and Karen Hergenrider and the USDA/APHIS have reached a written, signed agreement, and have delivered a copy of the agreement to the Montana Department of Livestock on or before 12:01 a.m., July 13, 2007, on the appraisal amounts and indemnification of the livestock herd, the Board of Livestock Orders the depopulation and slaughter of the herd, effective 12:01 a.m. Friday, July 13, 2007.

DATED this 11th day of July, 2007.



Christian Mackay, Executive Officer



Jeanne M. Rankin, D.V.M.
Acting State Veterinarian